

AMENDED IN SENATE APRIL 2, 2002

SENATE BILL

No. 1373

Introduced by Senator O'Connell

February 7, 2002

An act to add Sections 1730 and 1731, 1731, and 1732 to the Civil Code, and to amend Section 30502 of, and to add Section 30802.5 to, the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1373, as amended, O'Connell. Dogs and cats: registration and microchipping.

Existing law provides for the regulation and licensure of dogs and cats, as specified.

This bill would enact civil provisions, *operative July 1, 2003*, that would prohibit a seller or breeder of a dog or cat from selling a dog or cat that is less than one year old unless a registration fee for the sale has been paid to the county, city, or city and county providing animal control services. ~~The bill would authorize those local entities to establish and impose a fine upon any seller or breeder who violates this provision. The bill would require local agencies to issue, upon payment of the registration fee, a registration number or numbers to the seller or breeder. The bill would provide that the authorize a county, city, or city and county may to establish a fee for each registration fees and civil penalties to administer and enforce these provisions. The bill would express the intent of the Legislature that these fees and fines imposed pursuant to these provisions would civil penalties be used only for specified purposes, including the costs of administering the bill's provisions. The bill would also require the registration fee receipt number to be displayed in any advertisement for the sale of the a dog~~

or cat. ~~The bill would require local officials to maintain records regarding the number and type of dogs and cats sold pursuant to these provisions. The bill would require that these records be open to public inspection, as specified.~~

The bill would also require the seller of any dog or cat to ensure that the dog or cat has been microchipped.

~~The bill would also require local ordinances governing the issuance of dog license tags to require the owner of a dog to notify animal control when he or she transfers the dog to a new owner and to provide contact information for the new owner of record.~~

The bill would provide that a valid local ordinance that imposes more restrictive requirements than these provisions would prevail over these provisions.

By imposing new duties on local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1730 is added to the Civil Code, to read:
- 2 1730. (a) No seller or breeder of a dog or cat may sell a dog
- 3 or cat less than one year old unless a registration fee for the sale
- 4 has been paid to the county, city, or city and county agency
- 5 providing animal control services. ~~A seller or breeder who violates~~
- 6 ~~this subdivision is subject to a fine as provided in subdivision (c).~~
- 7 *according to the provisions of Section 1732. Upon payment of the*
- 8 *registration fee, the local agency shall issue a registration number*
- 9 *or numbers to the seller or breeder as determined by the agency.*
- 10 (b) The registration fee ~~receipt~~ *number or numbers* issued by
- 11 the local agency pursuant to subdivision (a) shall be displayed in
- 12 any advertisement for the sale of the dog or cat.
- 13 (c) The local agency shall obtain from the seller or breeder of
- 14 a dog or cat the ~~age, sex, color, and breed of the dog or cat and the~~

1 street address and telephone number of the seller *and the number*
2 *of dogs and cats offered for sale.*

3 ~~(d) The county, city, or city and county may establish a fee for~~
4 ~~each registration to sell a dog or cat that is less than one year old.~~
5 ~~It is the intent of the Legislature that the proceeds from this fee be~~
6 ~~used to supplement, rather than supplant, existing funding for the~~
7 ~~purposes described in subdivision (f).~~

8 ~~(e) The county, city, or city and county may establish and~~
9 ~~impose a fine upon any seller or breeder who violates subdivision~~
10 ~~(a) of this section.~~

11 ~~(f) The fees and fines imposed pursuant to this section may be~~
12 ~~used only for the following purposes:~~

13 ~~(1) The costs of administering the provisions of this section.~~

14 ~~(2) A program to spay or neuter dogs or cats.~~

15 ~~(3) The safe and sanitary shelter of dogs and cats.~~

16 ~~(4) Programs to encourage the adoption of dogs and cats.~~

17 ~~(5) The costs of microchipping dogs and cats.~~

18 ~~(6) A public education program to prevent overpopulation of~~
19 ~~dogs and cats.~~

20 ~~(g) The county clerk or the agency or entity providing animal~~
21 ~~control services shall maintain records regarding the number and~~
22 ~~type of dogs and cats sold and the source that sold the dogs and cats.~~
23 ~~The records shall be open to public inspection. The name and~~
24 ~~address of the seller may not be open to public inspection.~~

25 ~~(h) Any agency or entity that provides animal control services~~
26 ~~to any county, city, or city and county may enter into cooperative~~
27 ~~agreements with each other in carrying out this section.~~

28 ~~(i)~~

29 ~~(d) For the purposes of this section, the following terms have~~
30 ~~the following meanings:~~

31 ~~(1) “Advertising”—“Advertisement” includes, but is not~~
32 ~~limited to, advertising in newspapers, flyers, newsletters,~~
33 ~~magazines, periodicals, or other publications, electronic media,~~
34 ~~Internet Web sites, oral offers, or the display of a dog or cat.~~

35 ~~(2) “Seller” does not include nonprofit organizations, as~~
36 ~~defined in Section 501(c)(3) of the Internal Revenue Code, animal~~
37 ~~rescue or adoption organizations *registered with a local agency,*~~
38 ~~shelters operated by *local agencies or* societies for the prevention~~
39 ~~of cruelty to animals, and humane shelters that contract *with a*~~

1 *local agency to perform public animal control services as long as*
2 *none of the organizations breed dogs or cats.*

3 (3) “*Local agency*” means a city, county, or city and county
4 agency providing animal control services or any agency or entity
5 that provides animal control services to any city, county, or city and
6 county that has entered into a cooperative agreement to carry out
7 this section and Sections 1731 and 1732.

8 SEC. 2. Section 1731 is added to the Civil Code, to read:

9 1731. The seller of any dog or cat shall ensure that the dog or
10 cat has been microchipped and the owner’s identification has been
11 entered into a local registry maintained by a county, city, or city
12 and county agency providing animal control services or into a
13 national registry.

14 ~~SEC. 3. Section 30502 of the Food and Agricultural Code is~~
15 ~~amended to read:~~

16 ~~30502. Any dog license tag that is issued by any city and~~
17 ~~county or city constitutes compliance with this division if it is~~
18 ~~issued pursuant to an ordinance that does all of the following:~~

19 ~~(a) Substantially complies with this division.~~

20 ~~(b) Provides for the wearing of the license tag upon the collar~~
21 ~~of the dog.~~

22 ~~(c) Provides for the keeping of a record which shall establish~~
23 ~~the identity of the person that owns or harbors the dog.~~

24 ~~(d) Requires the owner of the dog to notify animal control when~~
25 ~~he or she transfers the dog to a new owner and to provide contact~~
26 ~~information for the new owner of record.~~

27 ~~SEC. 4. Section 30802.5 is added to the Food and Agricultural~~
28 ~~Code, to read:~~

29 ~~30802.5. Any dog license tag that is issued by any county~~
30 ~~constitutes compliance with this division if it is issued pursuant to~~
31 ~~an ordinance that requires the owner of the dog to notify animal~~
32 ~~control when he or she transfers the dog to a new owner and to~~
33 ~~provide contact information for the new owner of record.~~

34 ~~SEC. 5.~~

35 SEC. 3. Section 1732 is added to the Civil Code, to read:

36 1732. In order to administer and enforce Sections 1730 and
37 1731, a county, city, or city and county may establish fees and civil
38 penalties. It is the intent of the Legislature that the proceeds from
39 these fees and civil penalties be used to supplement, rather than
40 supplant, existing funding for the following purposes:

1 *(1) The costs of administering and enforcing the provisions of*
2 *Sections 1730 and 1731.*

3 *(2) A program to spay or neuter dogs and cats.*

4 *(3) The safe and sanitary shelter of dogs and cats.*

5 *(4) Programs to encourage the adoption of dogs and cats.*

6 *(5) The costs of microchipping dogs and cats.*

7 *(6) Public education programs to prevent overpopulation of*
8 *dogs and cats.*

9 SEC. 4. Any valid local ordinance that imposes more
10 restrictive requirements than the provisions of Sections 1730 and
11 1731 of the Civil Code ~~and Sections 30502 and 20802.5 of the~~
12 ~~Food and Agricultural Code~~ shall prevail over these sections.

13 SEC. 5. *The provisions of this act shall become operative on*
14 *July 1, 2003.*

15 SEC. 6. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of
20 Section 17556 of the Government Code.

